



WEB COPY



W.P.No.14758 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.14758 of 2024

T.Jahir Hussain

... Petitioner

Vs.

The State represented by

1.The Secretary to Government of Tamil Nadu,
Home Department – IV,
Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector of General of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore – 641 018.

3.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the respondents



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to grant ordinary leave for 30 days without escort to petitioner's son, the detenu, Yaser Arafath, S/o.Jahir Hussain, aged about 36 years, Convict No.22299, detained at Central Prison, Coimbatore.

For Petitioner : Dr.S.Manoharan

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

The petitioner's son was originally convicted for the offence under Section 302 IPC and was sentenced to undergo death sentence; under Section 380 IPC, he was sentenced to undergo 7 years rigorous imprisonment along with a fine of Rs.10,000/- in default to undergo 1 year simple imprisonment and under Section 201 IPC, he was sentenced to undergo 7 years rigorous imprisonment along with a fine of Rs.10,000/- in default to undergo 1 year simple imprisonment in S.C.No.37 of 2016 by the learned IV Additional District and Sessions Court, Coimbatore on 26.09.2019. Aggrieved against the said order, the petitioner's son preferred R.T.No.2 of 2019 and CrI.A.No.751 of 2019 and



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the sentence under Section 302 IPC was modified to life imprisonment and the offence under Sections 380 & 201 IPC were confirmed by this Court.

2. The learned counsel for the petitioner submitted that the petitioner and his family needs the presence of the life convict for their mental support as he has served 5 years of imprisonment without any leave.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 11.06.2024, which is in favour of the life convict and he has recommended to grant leave to the life convict.

4. By taking into consideration the report of the Probation Officer, recommending to grant leave to the petitioner's son/life convict, as well as the fact that the petitioner's son/life convict has not availed any leave so far, we are inclined to grant ordinary leave to the petitioner's son/life convict for a period of 21 days.

5. Accordingly, the respondents are directed to grant 21 days



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Ordinary Leave “*without escort*” to the petitioner's son/life convict namely Yaser Arafath, S/o.Jahir Hussain, aged about 36 years, Convict No.22299, commencing from 04.07.2024 to 24.07.2024, with a condition that the life convict shall report before the jurisdictional Police i.e. Melappalayam Police Station, Tirunelveli District, daily at 10.30 am. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 25.07.2024 before 10.00 a.m. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

6. With the above directions, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

28.06.2024

Index: Yes/No

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Note: Issue Order Copy on 03.07.2024.

To



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1.The Secretary to Government of Tamil Nadu,
Home Department – IV,
Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector of General of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore – 641 018.

3.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 641 018.

4.The Public Prosecutor,
High Court, Madras.



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